

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WALTER THEIMANN,
Plaintiff,

v.

Case No. C-1-00-793
(Beckwith, J.; Hogan, M.J.)

OHSL FINANCIAL CORP., et al.,
Defendants.

ORDER

This matter is before the Court on the request of Plaintiff's expert witness, Ross D. Fuerman, Ph.D., J.D., CPA (Ohio), and CFE, seeking reimbursement for expenses related to his deposition by the Provident Defendants on October 21, 2004. Dr. Fuerman personally contacted the District Court on several occasions seeking the Court's assistance in this matter. Dr. Fuerman represents that his deposition was taken by Provident Defendants' counsel on October 21, 2004, and that his subsequent request for fees associated with such have gone unanswered by Defendants. Dr. Fuerman also states that Plaintiffs' counsel is unwilling to file a motion on his behalf to put said issue before the Court.

Federal Rules of Civil Procedure 26 provides in pertinent part:

Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for the time spent in responding to discovery under this subdivision; and (ii) with respect to discovery obtained under subdivision (b)(4)(B) of this rule the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

Fed. R. Civ. P. 26(b)(4)(C).

The Provident Defendants are HEREBY ORDERED to show cause in writing WITHIN FIFTEEN (15) DAYS why they should not be required to pay, pursuant to Fed. R. Civ. P. 26(b)(4)(C), the reasonable fee and expenses incurred by Dr. Fuerman in connection with his deposition by Defendants. In so doing,

Defendants may file a memorandum entitled "Response to Court's Show Cause Order," arguing their position. Plaintiff SHALL HAVE TEN (10) DAYS following the filing of Defendants' memorandum in which to file his response.

SO ORDERED.

Date

2/14/05



Timothy S. Hogan
United States Magistrate Judge